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10/619,260	07/14/2003	Srimanth Gunturi	5577-260	9972
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MYERS BIGEL, SIBLEY SAJOVEC P.A. PO BOX 37428 RALEIGH, NC 27627			TRAN, TUYETLIEN T	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/619,260	<b>Applicant(s)</b> GUNTURI ET AL.
	<b>Examiner</b> TUYETLIEN T. TRAN	<b>Art Unit</b> 2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(o).

#### Status

- 1) Responsive to communication(s) filed on 05 December 2007.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-22 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____          |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application<br>Paper No(s)/Mail Date _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____   |

#### **DETAILED ACTION**

1. This action is responsive to the following communication: Amendment filed 12/05/07.

**This action is made final.**

2. Claims 1-22 are pending in the case. Claims 1, 8 and 15 are independent claims. Claim 22 is newly added.

***Claim Objections***

3. Claims 8-14 are objected to because the system as recited in claim 8-14 raises the issues of being directed to software component system, per se. The only component positively recited in the claim is "means for displaying"; however, the Applicant's specification provides no clear definition of "means for displaying" to be construed as clearly being a hardware component (although a display 134 is mentioned). In addition, Applicant's specification states that the instant invention may take the form of entirely software embodiment (e.g., see instant specification, page 6 lines 20-28). Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**5. Claims 1-4, 7-11, 14-18, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over King et al (Patent No. US 6252592 B1, hereinafter King) in view of Childress (Patent No. 4646250; hereinafter Childress).**

**As to claim 1,** King teaches:

A method for displaying a plurality of visual elements associated with a computer program application (e.g., see Fig. 2 and col. 3 lines 53-67), said method comprising:

defining a sequential tabbing order for the plurality of visual elements (e.g., see col. 3 lines 53-67 and Fig. 2); and

displaying at least one graphical linking element with the plurality of visual elements (e.g., see Fig. 2; note that labels 1-7 represent the tab association between visual elements "name" to "delete" which is interpreted as graphical linking element), wherein the at least one graphical linking element represents the sequential tabbing order (e.g., see col. 3 lines 53-67 and Fig. 2).

King does not expressly teach that the graphical linking element extending between the plurality of visual elements.

However, Childress teaches a user interface displaying a plurality of visual elements comprising a feature of defining a sequential tabbing order for the plurality of visual elements that conventionally allows the cursor to be moved to the next data entry field in response to the user presses the tab key (e.g., see col. 1 lines 21-38). With regard to claim 1, Childress

suggests that arrow graphical elements are used to draw users' attention to objects of particular importance (e.g., arrow pointing to mandatory entry fields, see Fig. 1 and col. 2 lines 18-51).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the graphical linking element as taught by King to use the arrow graphical elements as taught by Childress to represent the sequential tabbing order. One would be motivated to use the arrow graphical elements representing the sequential tabbing order because arrow graphical elements are known to indicate a direction or relation and because of the express suggestion in Childress.

**As to claim 8,** claim 8 reflects the system for displaying on a display device a plurality of visual elements associated with a computer program application (e.g., see King Figs. 1-2 and col. 1 lines 6-10), the system comprising means for performing the method steps as claimed in claim 1, and are rejected along the same rationale.

**As to claim 15,** claim 15 reflects a computer program product for displaying a plurality of visual elements associated with a computer program application, computer program product comprising computer readable program code (e.g., see King col. 13 lines 14-19) configured for performing the method steps as claimed in claim 1, and are rejected along the same rationale.

**As to claims 2, 9 and 16,** King further teaches:

displaying a first graphical linking element in the sequential tabbing order that associates the first visual element and a second visual element (e.g., see labels 1, 2 and elements "name" and "address" in Fig. 2)

displaying a second graphical linking element in the sequential tabbing order that associates the second visual element and a third visual element (e.g., see labels 2, 3 and elements "address" and blank field in Fig. 2)

Childress further teaches:

displaying a first graphical linking element extending between a first visual element and a second visual element (e.g., see Fig. 1 and col. 2 lines 18-51); and

displaying a second graphical linking element extending between the second visual element and a third visual element (e.g., see Fig. 1 and col. 2 lines 18-51).

Thus, combining King and Childress would meet the claimed limitations for the same reasons as discussed with respect to claims 1, 8 and 15 above.

**As to claims 3, 10 and 17,** King further teaches numerically labeling the visual elements on the user interface in the sequential tabbing order (e.g., see Fig. 2).

Childress teaches a user interface displaying a plurality of visual elements comprising a feature of defining a sequential tabbing order for the plurality of visual elements that conventionally allows the cursor to be moved to the next data entry field in response to the user presses the tab key (e.g., see col. 1 lines 21-38). Childress further suggests to a skilled artisan that line segment with a graphical element that indicates the direction extending between the plurality of visual elements (e.g., an arrow) is used to identify data entry field (e.g., see Fig. 1 and col. 2 lines 18-51).

Thus, combining King and Childress would meet the claimed limitations for the same reasons as discussed with respect to claims 1, 8 and 15 above.

**As to claims 4, 11 and 18,** King further teaches displaying a plurality of textual order tags such that each of the textual order tags is located adjacent a respective one of the plurality of visual elements and includes text indicating a relative rank of the respective one of the plurality of visual elements in the sequential tabbing order (e.g., see King Fig. 2 and col. 3 lines 53-67).

**As to claims 7, 14 and 21,** King further teaches defining a second sequential tabbing order for the plurality of visual elements (e.g., "add" and "delete" may form a second tabbing group, see col. 4 lines 1-13), wherein the first sequential tabbing order includes a first visual element not in the second sequential tabbing order (e.g., note that the first sequential tabbing order includes "name", "address", "telephone" and "credit card" which are not included in the second tabbing order as mentioned above, see col. 4 lines 1-13), and the second sequential tabbing order includes a second visual element not in the first sequential tabbing order (e.g., see col. 4 lines 1-13);

displaying a first graphical linking element associating the first visual element and another of the plurality of visual elements, wherein the first graphical linking element represents at least a portion of the first sequential tabbing order (e.g., a distinct tabbing order may be defined within each tabbing group, see col. 4 lines 1-13); and

displaying a second graphical linking element associating the second visual element and another of the plurality of visual elements, wherein the second graphical linking element represents at least a portion of the second sequential tabbing order (e.g., a distinct tabbing order may be defined within each tabbing group, see col. 4 lines 1-13).

Childress teaches a user interface displaying a plurality of visual elements comprising a feature of defining a sequential tabbing order for the plurality of visual elements that

conventionally allows the cursor to be moved to the next data entry field in response to the user presses the tab key (e.g., see col. 1 lines 21-38). Childress further suggests to a skilled artisan that line segment with a graphical element that indicates the direction extending between the plurality of visual elements (e.g., an arrow) is used to identify data entry field (e.g., see Fig. 1 and col. 2 lines 18-51).

Thus, combining King and Childress would meet the claimed limitations for the same reasons as discussed with respect to claims 1, 8 and 15 above.

**As to claim 22,** Childress suggests that arrow graphical elements or other indicator can be used to draw users' attention to objects of particular importance (e.g., see Fig. 1 and col. 2 lines 18-51). Therefore, implementation of the arrow graphical elements having first and second apposed ends wherein the first end terminates on a first visual element and the second end terminates on a second visual element would have been obvious to one of ordinary skill in the art at the time the invention was made of King in view of Childress for the same reasons as discussed in claim 1.

6. **Claims 5-6, 12-13, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over King in view of Childress further in view of Cox et al (published paper "Grouping objects for Tabbing and Cursoring in Visual Programming", 05/05/1995, pp 561-563; hereinafter Cox).**

**As to claims 5, 12 and 19,** King and Childress teach the limitations of claims 1, 8 and 15 for the same reasons as discussed above. King further teaches changing the tabbing order of the visual elements in a user interface for an application (e.g., see King col. 2 lines 61-65); however, King and Chidress do not expressly teach that reconfiguring the at least one graphical

linking element to reflect a new sequential tabbing order responsive to a modification of the sequential tabbing order.

Cox teaches reconfiguring the at least one graphical linking element to reflect a new sequential tabbing order responsive to a modification of the sequential tabbing order (e.g., see Cox page 562 and Figs. 3a and 3b). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to used the feature of reconfiguring at least one graphical linking element to reflect a new sequential tabbing order as taught by Cox to the method of displaying the tabbing order as taught by King and Childress to achieve the claimed invention. The motivation for the combination explicitly comes from the suggesting in King's teaching (e.g., note the incorporated reference of Cox in the reference of King, e.g., see King col. 4 lines 5-13).

**As to claims 6, 13 and 20,** Cox further teaches modifying the sequential tabbing order responsive to user input relocating the at least one graphical linking element relative to at least one of the plurality of visual elements (e.g., see Cox page 562 and Figs. 3a and 3b). Thus, combining King and Childress with Cox would meet the claimed limitations for the same reasons as discussed with respect to claims 5, 12 and 19 above.

#### **Response to Arguments**

**7. Applicant's arguments filed 12/05/07 have been fully considered but they are not persuasive.**

8. In response to applicant's argument that both King and Childress fundamentally fail to teach or suggest provision of a graphical linking element extending between visual elements and that represents a sequential tabbing order between the visual elements (e.g., see

Applicant's remark page 9, Paragraph 4), the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the prior art of King teaches displaying at least one graphical linking element with the plurality of visual elements (e.g., see Fig. 2; note that labels 1-7 represent the tab association between visual elements "name" to "delete" which is interpreted as graphical linking element), wherein the at least one graphical linking element represents the sequential tabbing order (e.g., see col. 3 lines 53-67 and Fig. 2). The examiner then admits that the prior art of King does not expressly teach that the graphical linking element extending between the plurality of visual elements. However, Childress suggests that arrow graphical elements are used to draw users' attention to objects of particular importance (e.g., arrow pointing to mandatory entry fields, see Fig. 1 and col. 2 lines 18-51). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the arrow graphical elements as taught by Childress to represent the sequential tabbing order for the same reasons as set forth in claim 1 above.

9. In response to applicant's argument that the arrows as taught by Childress do not extend between elements and represent a sequential tabbing order between the visual elements and that Childress' arrows have no relation to tabbing order (e.g., see Applicant's remark page 9, paragraph 4), it is submitted that "[T]he question under 35 U.S.C. 103 is not merely what the references expressly teach, but what they would have suggested to one of ordinary skill in the art at the time the invention was made." *In re Lamberti*, 545 F.2d 747, 750, 192 USPQ 278, 280 (CCPA 1976). In addition, it is noted that one cannot show nonobviousness by attacking

references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, King teaches displaying at least one graphical linking element with the plurality of visual elements (e.g., see Fig. 2; note that labels 1-7 represent the tab association between visual elements "name" to "delete" which is interpreted as graphical linking element), wherein the at least one graphical linking element represents the sequential tabbing order (e.g., see col. 3 lines 53-67 and Fig. 2); King lacks the claimed graphical linking element extending between the plurality of visual elements. Childress suggests using arrows to draw users' attention to objects of particular importance (e.g., arrow pointing to mandatory entry fields, see Fig. 1 and col. 2 lines 18-51) and that the arrows as shown in Childress Figure 1 are clearly suggests extending between the visual elements. Accordingly, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine these two references for the same reasons as set forth in claim 1 above.

10. In response to applicant's argument the Examiner has failed to present a proper prima facie obviousness rejection because the prior art of King and Childress are not in the same field of endeavor (e.g., see Applicant's remark page 10, Para 2), it has been held that the prior art references must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, they both teach a user interface displaying a plurality of visual elements and that each visual element has a tabbing order associating with it (e.g., see King Fig. 2 and Childress Fig. 1, col. 1 lines 21-38). In addition, it is noted that the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must

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be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art.

See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

11. In response to applicant's argument that the motivation proposed by the Action falls well short of that required to establish a proper 103 rejection (e.g., see Applicant's remark page 10, paragraph 3), the examiner notes a reformed rationale for the same ground of rejection is provided as set forth above.

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-**

**33,216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting *In re Lemelson*, 397 F.2d 1006,1009, 158 USPQ 275,277 (CCPA 1968)).**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TuyetLien (Lien) T. Tran whose telephone number is 571-270-1033. The examiner can normally be reached on Mon-Friday: 7:30 - 5:00 (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TuyetLien (Lien) T Tran/  
Examiner, Art Unit 2179

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